IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 39716 of 2003(C)

PETITIONER:

R.MADHUSOODANA MENON,
KARATHEZHATHU HOUSE, VANDANAM P.O., ALAPPUZHA-5.

BY ADV. SRI.K.N.RAMACHANDRA PANICKER.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   SOCIAL WELFARE DEPARTMENT, THIRUVANANTHAPURAM.

2. **DISTRICT COLLECTOR AND**
   CHAIRMAN OF THE DISTRICT SELECTION COMMITTEE FOR
   PHYSICALLY HANDICAPPED CANDIDATES,ALAPPUZHA DIST.

***ADDL.R3.THE DISTRICT EMPLOYMENT OFFICER,**
ALAPPUZHA.

***IMPLEADED AS PER ORDER DT. 11/09/2007**

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.39716/2003-C:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE MEDICAL CERTIFICATE NO. 919/95 DTD. 14/04/1995 BY THE SUPERINTENDENT, T.D. MEDICAL COLLEGE, ALAPPUZHA.

EXT.P.2: COPY OF THE LETTER OF THE DISTRICT EMPLOYMENT OFFICER, ALAPPUZHA NO.D1.5865/98 DTD. 04/08/1998.

EXT.P.3: COPY OF THE LETTER NO. 4425/A2/2000 DTD. 31/07/2000 ISSUED BY THE R.1.

EXT.P.4: COPY OF THE JUDGMENT IN O.P. 19122/2002 DTD. 24/01/2003 ISUED BY THE HONOURABLE HIGH COURT OF KERALA.

EXT.P.5: COPY OF THE REPRESENTATION FILED ALONG WITH THE JUDGEMENT BY THE PETITIONER ON 24/02/2003 TO THE R.1.

EXT.P.6: COPY OF THE G.O. (P).18/99/PARD DTD. 13/10/1999.

RESPONDENT'S EXHIBITS & ANNEXURES:

EXT.R2: COPY OF THE DISCHARGE CERTIFICATE NO. 10978/2000/A2 DTD. 14/05/2001.

EXT.R2.A: THE MINUTES OF THE GOVERNMENT.

EXT.R3.A: COPY OF THE REGISTRATION CARD IN RESPECT OF RAGHAVAN REG. NO. 671/92.

EXT.R3.B: COPY OF THE LIST OF CANDIDATES SPONSORED AGAINST PH.12/03 & 2/04.

ANNEXURE R2.A: COPY OF THE G.O. (P). NO. 20198/P&ARD DT. 14/07/98.

ANNEXURE R2.B: YEARWISE DETAILS OF TARGET, ACHIEVEMENTS AND BALANCE.

ANNEXURE R2.C: DETAILS OF APPOINTMENTS IN 76 VACANCIES.

ANNEXURE R2.D: DETAILS OF APPOINTMENT OF O.H. CANDIDATES.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.39716 OF 2003-C

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Dated this the 11th day of September, 2007.

ORDER

The District Employment Officer, Alappuzha District is impleaded as Additional Respondent No.3. The learned Government Pleader takes notice for the impleaded additional respondent.

2. In Ext.P4 judgment this Court had directed that the petitioner has a specific case that if any physically handicapped person (Ortho) belonging to the forward community who has registered with the Employment Exchange after the date of registration of the petitioner has been sponsored for appointment to any department, the first respondent State will look into the grievance raised by the petitioner in that regard.

3. Though the petitioner asserts that one Raghavan has been so recruited and the said Raghavan belongs to a forward

community but was registered after the registration of the petitioner's name, the controversy still continues.

4. It is pointed out by the learned Government Pleader that it is the Employment Officer who may be able to answer the said issue rather than the District Collector, though he is the Chairman of the Selection Committee. Under such circumstances, the additional 3rd respondent is directed to file an affidavit after verifying the relevant records, stating whether the allegation of the petitioner is true and if it were so, as to what action has been taken to rectify the situation and provide employment to the petitioner. The affidavit shall also refer to all appointments made against Class IV category from among persons belonging to forward community against the 3% quota for the physically handicapped persons. Such an affidavit shall be placed on record within a period of two weeks.

Post on 25-9-2007.

Hand over to Government Pleader and to the counsel for petitioner. The petitioner may also produce a copy of this order before the District Employment Officer.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-